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Federal Communications Commission  
Office of the Secretary

**VIA COURIER**

October 1, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc., Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

Re: Pac-West Telecomm, Inc.; CC Docket No. 96-128

Dear Secretary Dortch:

On behalf of Pac-West Telecomm, Inc. ("Pac-West" or "Company"), enclosed please find an original and four (4) copies of Pac-West's Motion for Extension of Time for filing in the above-referenced matter.

Please feel free to call or email me if you have any questions regarding this filing.

Respectfully submitted,

*Wendy M. Creeden*, *WR*  
Wendy M. Creeden

Direct line: 202 370 3929  
wcreeden@sandw.com

Enclosures

cc: Lynne Martinez (Pac-West)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION **FILED/ACCEPTED**  
Washington, DC 20544

OCT - 1 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of )

The Pay Telephone Reclassification and )  
Compensation Provisions of the )  
Telecommunications Act of 1996 )

CC Docket No. 96-128

**MOTION FOR EXTENSION OF TIME**

Pac-West Telecomm, Inc. ("Pac-West"), through its undersigned counsel and pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, hereby requests an extension of time to file a Systems Audit Report as required by Section 64.1320(f) of the Commission's rules and the Report and Order released in *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003) ("*Report and Order*"). Specifically, on June 24, 2008 Pac-West filed a Motion for Extension of Time to file its 2008 System Audit Report by October 1, 2008, and with this Motion, Pac-West hereby seeks an additional 90-day extension, or until January 1, 2008, to file its 2008 System Audit Report.<sup>1</sup>

Under the Commission's rules, Completing Carriers were required to file a Systems Audit Report regarding the Completing Carrier's compliance with section 64.1310(a)(1) on July

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<sup>1</sup> The Office of Management and Budget approved the Commission's Order on May 5, 2004, which set the July 1 annual reporting deadline. See OMB No. 3060-1046 and *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003) *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003).

1, 2004.<sup>2</sup> On an annual basis after the filing of the Systems Audit Report, Completing Carriers are required to:

Engage an independent third party auditor to: (1) verify that no material changes have occurred concerning the Completing Carrier's compliance with the criteria of the prior year's System Audit Report; or (2) if a material change has occurred concerning the Completing Carrier's compliance with the prior year's System Audit Report, verify that the material changes do not affect compliance with the audit criteria . . . .<sup>3</sup>

Pac-West seeks an additional extension of time to file its 2008 Systems Audit Report verification due to additional time needed to coordinate with its auditor. Pac-West has experienced an unexpected delay in coordinating the completion the Systems Audit Report verification with its auditor, but is diligently working with the auditor to complete the Systems Audit Report as soon as possible.

There is good cause to grant an extension of time. Currently, Pac-West has an audited call tracking system in place and has been making compensation payments, including appropriate interest when applicable, to payphone service providers ("PSPs") and submitting the required call reports to PSPs on a quarterly basis. No PSP will be harmed by the delay in Pac-West's submission of its annual Systems Audit Report verification. Because Pac-West already has an audited payphone tracking system in place, Pac-West does not anticipate any significant further delay in the verification and is in the process of expediting this work with its auditor. However, out of an abundance of caution, Pac-West is requesting an extension of filing deadline to January 1, 2008.

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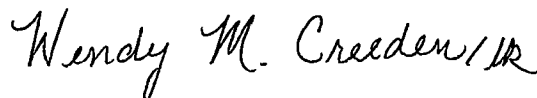
<sup>2</sup> See 47 C.F.R. § 64.1320(b).

<sup>3</sup> See 47 C.F.R. § 1320(f).

To the extent necessary, Pac-West requests a waiver of any late filing penalty set out in the *Report and Order*.<sup>4</sup> Pac-West submits that no one will be harmed by the late-filed Systems Audit Report. As explained above, Pac-West already operates an audited call tracking and payment system that ensures the PSPs are properly compensated. In fact, Pac-West has been making payments and submitting reports to PSPs in accordance with the Commission's rules. Thus, the Commission should waive any penalty.

Pac-West has attempted in good faith to complete its 2008 Systems Audit Report by October 1, 2008; however, for the reasons described herein, Pac-West requires additional time. Accordingly, Pac-West hereby respectfully requests an additional 90-day extension, or until January 1, 2008, to submit its 2008 Systems Audit Report in accordance with the Commission's rules.

Respectfully submitted,



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wcreeden@sandw.com

Counsel for Pac-West Telecomm, Inc.

Dated: October 1, 2008

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<sup>4</sup> The Commission stated that "the current base penalty for failure to file required forms or information with the Commission is \$3,000." FCC 03-235 at ¶ 44.